

Application No. 09/266,202

Furthermore, the response to Applicants' arguments in the Office Action of November 5, 2002 is also similar to the response to Applicants' arguments in the Office Action of January 16, 2002 and do not even account for the Applicants' revised arguments in the Appeal Brief.

The Office Action of November 5, 2002 should be withdrawn and the Appeal reinstated. There is absolutely no reason for Applicants to go through the expense of preparing a Supplement Appeal Brief since there are no new grounds of rejection to which to respond.

The Appeal process is excessively slow, and Applicants are disappointed by the delay caused by the issuing of an inappropriate Office Action. Applicants look forward to receiving a Notice of Allowance or a Reply Brief in the near future.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



Peter S. Dardi, Ph.D.
Registration No. 39,650

FAX RECEIVED

NOV 22 2002

TECHNOLOGY CENTER 2800

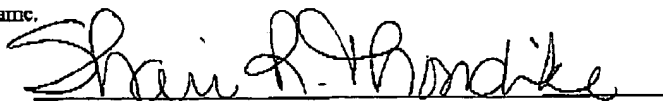
Customer No. 24113
Patterson, Thunte, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-5746

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. 703-872-9319 on the date shown below thereby constituting filing of same.

November 22, 2002
Date


Shari R. Thorndike